

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

3 Ubaldo Saldana-Garcia,

Petitioner,

V.

5 | Brian Williams, et al.,

Respondents.

Case No. 2:19-cv-00441-APG-BNW

ORDER

(ECF No. 17)

9 The respondents have filed an Unopposed Motion to Seal. ECF No. 17. For the reasons
10 discussed below, I grant the motion in part.

11 The respondents seek leave to file under seal “all documents and exhibits in this case,
12 current and future” in accordance with LR 6-1. *Id.* at 2:2–3. They make this request because
13 multiple minors are involved in this case and are mentioned throughout the state court record.
14 The respondents assert that requiring substantial redactions would make the record difficult to
15 understand and impose a hardship on counsel and staff for both parties. They submitted a total
16 of 138 exhibits (ECF Nos. 18–21) under seal along with their Motion to Dismiss (ECF No. 16).

17 There is a strong presumption of access to judicial records. *Kamakana v. City & Cnty. of*
18 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). “In keeping with the strong public policy
19 favoring access to court records, most judicial records may be sealed only if the court finds
20 ‘compelling reasons.’” *Oliner v. Kontrabecki*, 745 F.3d 1024, 1025–26 (9th Cir. 2014). This
21 strong presumption of access “applies fully to dispositive pleadings, including motions for
22 summary judgment and related attachments.” *Kamakana*, 447 F.3d at 1179. Thus, a movant
23 must show “compelling reasons” to seal judicial records attached to a dispositive motion. *Id.*

1 (citing *Foltz v. State Farm Mut. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003)). In general,
2 compelling reasons exist when court records might become a vehicle for improper purposes.
3 *Demaree v. Pederson*, 887 F.3d 870, 884 (9th Cir. 2018) (quoting *Kamakana*, 447 F.3d at 1179).

4 A sealing order must be narrowly tailored. *See, e.g., Press-Enterprise Co. v. Superior Ct.*
5 *of Cal.*, 464 U.S. 501, 512 (1984). The order should be “limited to information that was actually
6 sensitive,” that is, only the parts of the material necessary to protect the compelling interest. *Id.*
7 Thus, even where the private interest in protecting the material outweighs the public interest in
8 disclosure, a court must still consider whether redacting confidential portions of the material will
9 leave meaningful information available to the public. *In re Roman Catholic Archbishop of*
10 *Portland*, 661 F.3d 417, 425 (9th Cir. 2011) (citing *Foltz*, 331 F.3d at 1136–37).

11 Here, the motion does not provide compelling reasons to seal *all* documents filed in this
12 case. The Respondents correctly point out that the Local Rules of Practice protect the identities
13 of minor children. *See* LR 6-1(a)(2) (requiring that the names of minor children be redacted and
14 only their initials should be used); Fed. R. Civ. P. 5.2. However, a significant portion of the
15 record documents do not contain the unredacted minors’ names and are therefore inappropriate
16 for sealing. In addition, the index of exhibits¹ does not contain any confidential information.

17
18 _____
19 ¹ I note that the respondents did not comply with the CM/ECF filing instructions stated in the scheduling
order or the Local Rules of Practice:

20 If the exhibits filed will span more than one ECF Number in the record, *the first*
21 *document under each successive ECF Number shall be either another copy of the index,*
22 *a volume cover page, or some other document serving as a filler*, so that each exhibit
23 under the ECF Number thereafter will be listed under an attachment number (i.e.,
Attachment 1, 2, etc.).

22 ECF No. 9 at 3 (emphasis added); *see also* LR IC 2-2(a)(3)(A) (“Exhibits and attachments must not be
23 filed as part of the base document in the [CM/ECF] filing system. They must be attached as separate
files.”). An electronic filer’s failure to follow this instruction is particularly problematic where, as here,
portions of a filing may be unsealed, as this complicates review of the docket and may delay instructions
to the Clerk of the Court to unseal specific documents.

1 Based on *Kamakana* and its progeny, I find that the parties have met their burden of
2 establishing compelling reasons for the unredacted documents containing the minors' names to
3 remain sealed. However, the respondents have not narrowly tailored their sealing requests
4 regarding the documents that do not display the minors' names. Only the documents and
5 exhibits displaying that minors' names may be filed under seal. The remainder of the materials
6 that do not contain confidential information must be publicly accessible documents. *See LR IA*
7 10-5(b) ("The court may direct the unsealing of papers filed under seal, with or without
8 redactions, after notice to all parties and an opportunity to be heard."). I will allow the exhibits
9 (ECF Nos. 18–21) to remain sealed temporarily so the respondents' counsel can identify which
10 exhibits display the minors' names and which do not. Counsel for the respondents must file a
11 notice identifying the exhibits that do not display the minors' names, and the Clerk of Court will
12 be directed to unseal those documents.

13 I THEREFORE ORDER that the respondents' Unopposed Motion to Seal (ECF No. 17)
14 is GRANTED IN PART. The respondents have until February 18, 2020 to file in the public
15 docket: (1) a notice identifying which exhibits do not display the minors' names, and (2) the
16 index of exhibits in support of the motion to dismiss.

17 Dated: February 4, 2020.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

22 Counsel are responsible for informing themselves and instructing their staff regarding all court
instructions and the correct electronic filing procedures under the Local Rules. The parties are
23 encouraged to contact the CM/ECF Helpdesk at (702) 464-5555 prior to filing should they have any
technical questions. For additional direction, the parties may also refer to the updated procedures in
CM/ECF Version 4.0 Enhancements and Changes, which is available on the District of Nevada's website.